

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2005 OCT 20 A 11:13

FERNANDEZ SANTIAGO,

Petitioner,

v.

PAUL RUANE,

Respondent.

Civil Action No. 04-12022-MLW

**RESPONDENT PAUL RUANE'S MOTION TO DISMISS  
PETITION FOR WRIT OF HABEAS CORPUS**

Respondent Paul Ruane hereby moves that this petition for a writ of habeas corpus be dismissed, with prejudice, in its entirety because it is time-barred under 28 U.S.C. § 2244(d)(1).

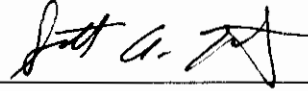
Petitioner Fernandez Santiago was convicted of two counts of cocaine trafficking in 1991. Under the Antiterrorism and Effective Death Penalty Act of 1996, Santiago had until April 24, 1997 to file a habeas petition. His petition was filed, at the earliest, effective August 28, 2004—more than seven years after the limitations period had expired. As a result, his petition is time-barred, and therefore must be dismissed, with prejudice, in its entirety.

In support of this Motion, Respondent submits the accompanying memorandum of law.

WHEREFORE, Respondent Paul Ruane respectfully requests that the Court dismiss this petition for a writ of habeas corpus, with prejudice, because the petition is time-barred.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

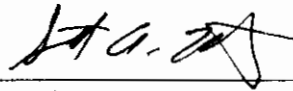


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Scott A. Katz (BBO # 655681)  
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Boston, Massachusetts 02108  
(617) 727-2200, ext. 2833

Dated: October 20, 2005

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

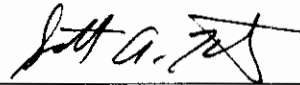
I hereby certify that Petitioner is currently incarcerated at a Massachusetts Correctional Institution and is not represented by counsel, rendering pre-filing conference impracticable.



\_\_\_\_\_  
Scott A. Katz

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon petitioner Fernandez Santiago, Pondville Correctional Center, P.O. Box 146, Norfolk, MA 02056 by first-class mail, postage prepaid, on October 20, 2005.



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Scott A. Katz